

## **Maritime (Offences) Amendment Regulations 2003**

Pursuant to section 201 of the Maritime Transport Act 1994, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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- 1 Title**
- (1) These regulations are the Maritime (Offences) Amendment Regulations 2003.
- (2) In these regulations, the Maritime (Offences) Regulations 1998<sup>1</sup> are called “the principal regulations”.
- 2 Commencement**
- These regulations come into force on 21 March 2003.
- 3 Schedule 1 amended**
- Schedule 1 of the principal regulations is amended by adding the items set out in the Schedule to these regulations.
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<sup>1</sup> SR 1998/444

**Schedule** r 3  
**Items added to Schedule 1 of principal  
regulations**

<b>Provision</b>	<b>Brief Description</b>	<b>Maximum penalty on summary conviction for individual (\$)</b>	<b>Maximum penalty on summary conviction for body corporate (\$)</b>	<b>2003/14 Maritime (Offences) Amendment Regulations 2003</b>	<b>Infringement fee for individual(\$)</b>	<b>Infringement fee for corp</b>
<i>Part 91</i>	<i>Navigation safety rules</i>					
Rule 91.4(1)	No person in charge of recreational craft may use craft unless sufficient flotation devices for each person are on board	1000	—		100	—
Rule 91.4(6)	No person in charge of recreational craft may use craft where risk of safety to persons on board unless every person on board is wearing properly secured personal flotation device	1000	—		100	—
Rule 91.4(7)	No person in charge of vessel may use vessel to tow and no person may be towed unless person being towed wears properly secured personal flotation device	1000	—		100	—
				<b>Schedule</b>		

<b>Provision</b>	<b>Brief Description</b>	<b>Maximum penalty on summary conviction for individual (\$)</b>	<b>Maximum penalty on summary conviction for body corporate (\$)</b>	<b>Schedule 29</b>	<b>Infringement fee for individual(\$)</b>	<b>Infringement fee for body corporate (\$)</b>
Rule 91.5(2)	Owner of power driven vessel that is capable of proper speed exceeding 10 knots must not allow any person under the age of 15 years to be in charge of or propel or navigate the vessel	1000	1000	Maritime (Offences) Amendment Regulations 2003	100	100
Rule 91.6(1)	No person may propel or navigate vessel at proper speed exceeding 5 knots within 50 metres of another vessel or raft or person in water, or within 200 metres of shore or structure, or within 200 metres of vessel or raft flying divers flag	2000	—		200	—
Rule 91.6(2)	No person may propel or navigate power driven vessel at proper speed exceeding 5 knots while any person is extended over certain parts of vessel	1000	—		100	—
Rule 91.6(3)	No person may allow himself or herself to be towed by vessel at proper speed exceeding 5 knots in any circumstances specified in rule 91.6(1)	2000	—	2003/14	200	—

<b>Provision</b>	<b>Brief Description</b>	<b>Maximum penalty on summary conviction for individual (\$)</b>	<b>Maximum penalty on summary conviction for body corporate (\$)</b>	<b>2003/14 Maritime (Offences) Amendment Regulations 2003</b>	<b>Infringement fee for individual(\$)</b>	<b>Infringement fee for corp</b>
Rule 91.6(4)	No person in charge of vessel may permit vessel to continue without recovering dropped water ski or similar object, or ensuring dropped ski is clearly visible to other water users	1000	—		100	—
Rule 91.7	Person who propels or navigates recreational craft must ensure wake of craft does not cause unnecessary danger or risk of damage to other vessels, persons, or structures	1000	—		100	—
Rule 91.8(1)	No person in charge of vessel may use vessel to tow any person at speed exceeding 5 knots unless there is at least 1 other person on board who is looking out for person being towed	1000	—		100	—
Rule 91.8(2)	No person may allow himself or herself to be towed by vessel unless there is at least 1 other person on board who is looking out for person being towed	1000	—	Schedule	100	—

<b>Provision</b>	<b>Brief Description</b>	<b>Maximum penalty on summary conviction for individual (\$)</b>	<b>Maximum penalty on summary conviction for body corporate (\$)</b>	<b>Schedule 29 Maritime (Offences) Amendment Regulations 2003 2003/14</b>	<b>Infringement fee for individual(\$)</b>	<b>Infringement fee for body corporate(\$)</b>
Rule 91.9(1)	No person may operate, between sunset and sunrise, vessel that is towing any person on water skis or similar object	2000	—		200	—
Rule 91.9(2)	No person may allow himself or herself to be towed in the circumstances described in rule 91.9(1)	2000	—		200	—
Rule 91.10(1)	No person may propel, navigate, or manoeuvre vessel in access lane except by most direct route and on side of access lane that lies to starboard side of vessel	1000	—		100	—
Rule 91.10(2)	No person may, while being towed by vessel in access lane, allow himself or herself or the object that is being towed to travel except by the most direct route and on side of access lane that lies to starboard side of vessel	1000	—		100	—

<b>Provision</b>	<b>Brief Description</b>	<b>Maximum penalty on summary conviction for individual (\$)</b>	<b>Maximum penalty on summary conviction for body corporate (\$)</b>	<b>2003/14 Maritime (Offences) Amendment Regulations 2003</b>	<b>Infringement fee for individual(\$)</b>	<b>Infringement fee for corp</b>
Rule 91.10(3)	No person within access lane may proceed in manner that is dangerous to any vessel or other person in access lane	2000	—		200	—
Rule 91.10(4)	No person may obstruct any other person who is using access lane for proper purpose	1000	—		100	—
Rule 91.10(5)	No person may use access lane improperly	1000	—		100	—
Rule 91.12(1)	No person may obstruct any person who is using reserved area for proper purpose	1000	—		100	—
Rule 91.12(2)	No person may use reserved area for improper purpose	1000	—		100	—
Rule 91.13(1)	No person may anchor vessel so as to obstruct other vessels or obstruct approach to wharf, pier, or jetty, or to create hazard to other vessels at anchor	1000	—	Schedule	100	—

<b>Provision</b>	<b>Brief Description</b>	<b>Maximum penalty on summary conviction for individual (\$)</b>	<b>Maximum penalty on summary conviction for body corporate (\$)</b>	<b>Schedule</b>	<b>Infringement fee for individual(\$)</b>	<b>Infringement fee for body corporate (\$)</b>
Rule 91.13(2)	Owner or master of moored vessel must ensure that vessel is securely fastened to dock, wharf or landing place, and that an adequate and safe means of access to vessel is provided	1000	—	Maritime (Offences) Amendment Regulations 2003	100	—
Rule 91.13(3)	No person may place any obstruction in any waters that is likely to restrict navigation, or cause injury or death to any person, or damage any vessel or property	1000	—		100	—
Rule 91.14(1)	No person may tie vessel to navigation aid without appropriate written permission	1000	—		100	—
Rule 91.14(2)	No person may damage, remove, or interfere with navigation aid	2000	—		200	—
Rule 91.15	Master of vessel must not allow vessel to approach within 200 metres of vessel showing flag B by day or red all round light by night or defence area	1000	—	2003/14	100	—



<b>Provision</b>	<b>Brief Description</b>	<b>Maximum penalty on summary conviction for individual (\$)</b>	<b>Maximum penalty on summary conviction for body corporate (\$)</b>	<b>2003/14 Maritime (Offences) Amendment Regulations 2003</b>	<b>Infringement fee for individual(\$)</b>	<b>Infringement fee for body corporate (\$)</b>
Rule 91.16(1)	Master of vessel under 500 gross tonnage must not impede navigation of vessel of 500 gross tonnage or more if vessels in harbour area	2000	—		200	—
Rule 91.17	Person in charge of vessel on river must— (a) ensure vessel keeps to starboard side of river channel; and (b) if going upstream, give way to vessel coming downstream; and (c) not operate vessel unless river and weather conditions permit safe operation of vessel	1000	—		100	—
Rule 91.18(1)	Master of vessel that has on board, or intends to load or unload, 27 kilograms or more of explosives in harbour area must display code flag B by day and all round red light at masthead or where it can best be seen by night	1000	—	Schedule	100	—

<b>Provision</b>	<b>Brief Description</b>	<b>Maximum penalty on summary conviction for individual (\$)</b>	<b>Maximum penalty on summary conviction for body corporate (\$)</b>	<b>Schedule 2</b>	<b>Infringement fee for individual(\$)</b>	<b>Infringement fee for corp</b>
Rule 91.18(2)	Master of tanker in harbour area must display code flag B by day and all round red light at masthead or where it can best be seen by night	1000	—	<b>Maritime (Offences) Amendment Regulations 2003</b>	100	—
Rule 91.18(3)	Person diving from vessel must ensure that flag A is displayed so it can be clearly identified by watchkeeper of another vessel at distance in excess of 200 metres	1000	—		100	—
Rule 91.18(4)	Master of vessel from which dive operations are in progress must ensure flag A is displayed so it can be clearly identified by watchkeeper of another vessel at distance in excess of 200 metres	1000	—		100	—

Marie Shroff,  
Clerk of the Executive Council

### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 21 March 2003, amend Schedule 1 of the Maritime (Offences) Regulations 1998 by specifying in that schedule—

- the breaches of provisions in new part 91 of the Maritime Rules (which relates to navigation safety) that constitute offences; and
- the maximum conviction on summary conviction in respect of each of those offences; and
- the infringement fee in respect of each of those offences.

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